IV.   <u>AMENDMENTS TO THE DRAWINGS</u>

Replacement and annotated mark-up drawing sheets for amended figures showing the amended figures, if any, are attached at the Appendix hereto. Each figure is in compliance with 37 C.F.R. § 1.84. An explanation of the changes, if any, is set forth below in this "Amendments to the Drawings" section. Replacement drawing sheets are identified in the top margin as "Replacement Sheet." Any replacement drawing sheet including amended figures includes all of the figures appearing on the immediate prior version of the sheet. Any annotated drawing sheets, if the same are required by the Examiner, are identified in the top margin as "Annotated Marked-Up Drawings." Any deleted figure is noted by an instruction to delete the figure. Any corresponding amendment to the specification necessary to be made because of an amendment to the drawings in this section is made in the corresponding "Amendments to Specification" section.

- *THE DRAWINGS OF THE PATENT IS HEREBY AMENDED AS SET FORTH BELOW:*

   - NONE

V.   REMARKS/ARGUMENTS

- *STATUS OF THE CLAIMS*

Claims 1 - 13 are pending in this application. No claims have been cancelled or amended.

- REJECTIONS

  - *35 U.S.C. §102(e)*

    - *Examiner's Stance*

The Examiner has rejected claims 1 – 3, 5 – 10, 12 and 13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2002/0019808 A1 to Sharma. The Examiner asserts that U.S. Patent Publication No. 2002/0019808 A1 to Sharma discloses "a method and a corresponding system for electronic bill presentation and payment ... comprising, a memory for storing Web pages for an EBPP Web site, and a processor in communication with the memory, wherein the processor is operative to receive an EBPP user interface from an EBPP host, the UI configured to display product/service promotional information of the financial institution in a first portion of the UI, configured to display billing party product/service promotional information, messages, and links in a second portion of the UI, and configured to display billing data in a third portion of the UI, receive the financial institution information for display in the first portion of the UI, transmit a request for the billing party information and billing data, receive the billing party information for display in the second portion of the UI and the billing data identifying one or more bills for display in the third portion of the UI, transmit instructions to the EBPP host to have one or more bills of the billing party paid, and transmit payment information to the billing company" (point 3, page 2 – 3 of the Office Action). The Examiner cites as support for such assertions Figs. 1, 3, 5, 9 and paragraphs [0010}, [0011], and [0045] – [0067] of U.S. Patent Publication No. 2002/0019808 A1 to Sharma.

Citing to paragraphs [0010] and [0055] – [0061] of U.S. Patent Publication No. 2002/0019808 A1 to Sharma, the Examiner further asserts (point 3, page 3, of the Office Action) that the art of record also discloses a processor that acquires data from both financial institutions and billing companies which are pre-selected by the user, through a centralized data base and then presents the "financial institution information, biller information, and presenter information on a single Web page."

- *Applicants' Response*

Applicants respectfully traverse the Examiner's 35 U.S.C. §102(e) rejection of claims 1 – 3, 5 – 10, 12 and 13 based in part on the argument that the Examiner has failed to point out disclosure within U.S. Patent Publication No. 2002/0019808 A1 to Sharma that supports a teaching of each and every element of the claims as pending. Applicant respectfully notes that the Examiner must show that "every limitation in a claim is found in a single prior art reference." *Nystrom v. Trex Co.*, 374 F.3d 1105, 1117, 71 U.S.P.Q.2d 1241 (Fed. Cir. 2004) in order for a case of anticipation to be made out.

Applicant respectfully asserts that the Examiner's entire rejection is based on a flawed reading of the Sharma reference and a contortion of the elements of the claims.

Again anticipation requires that all elements of a claim be found in a single prior art reference. Applicant notes that very first element of the only two independent claims (claims 1 and 8), which is imported by dependency into all of the other pending claims, indicate that the user interface is configured to display distinct information (that is, financial institution information, billing party information and billing data) in three separate portions of the UI. Sharma simply does not disclose, teach, or even suggest the same. The Examiner's citation to Figs. 1, 3, 5 and 9 in support of the same is clearly erroneous. Such figures simply do not illustrate such a UI.

In respect of paragraphs [0010], [0011] and [0045] – [0067] of the specification of U.S. Patent Publication No. 2002/0019808 A1 to Sharma, such disclosure also does not teach such a UI. While general statements are made in such passages as to the systems of Sharma allowing

for "control [of] all interactions between billers and consumers from the portal interface" (see, paragraph [0010]), the portal is never described, specified, or illustrated to have each of the aspects of the UI asserted in element (i) of claims 1 and 8. In fact, such cited disclosure actually teaches away form such a UI. The portal interface as shown in the Figures described in the passages [0045] – [0067] actually show the portal being used to navigate through a series of screens. The Examiner's assertion (point 3, page 3, of the Office Action) that [0010] disclosures the presentation of "the financial institution information, biller information, and presenter information" on a single Web page is simply without merit. The self-enablement of the EBPP by consumers and billers discussed at [0010] is further expounded upon in [0011] wherein it is stated that "[t]he Portal Interface controlled by such systems also enables billers to create consumer accounts and electronically publish their bills." Such self-enablement therefore has little to due with the UI as described in element (i) of independent claims 1 and 8. Furthermore, Applicant notes that the self-enablement said to be available by interacting with the portal interface is indicated at [0010] to be my means "such as via series of web pages."

For this reason alone, the Examiner has not made out prima facie case of anticipation. Applicant respectfully requests that such rejection be withdrawn.

- *35 U.S.C. §103(A)*

  - *Examiner's Stance*

The Examiner has rejected claims 4 and 11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2002/0019808 A1 to Sharma. While the Examiner acknowledges that "Sharma fails to teach that the UI content resides on Macromedia Flash and other Macromedia product lines" (point 6, page 4, of the Office Action), the Examiner asserts via official notice that the use of Macromedia Flash and other Macromedia products "as an alternative to JSP and Applets is old and well known in the art" (point 6, page 4, of the Office Action). The Examiner maintains "[i]t would have been obvious to one of ordinary skilled [sic] in the art at the time the Applicant's invention was made to modify the teachings of Sharma to include the use of Macromedia Flash and other Macromedia product lines, because it provides convenience for both designers (comfortable authoring tool design capabilities) and developers

(using drag and drop interface components and action script), it also allows applications to have quick loading and restricts network traffic only to essential data between client and server" (*Id.*).

- *Applicants' Response*

Applicant respectfully traverses the Examiner's 35 U.S.C. §103(a) rejection of claims 4 and 11 on the basis, in part, that the Examiner has failed to provide legally-cognizable adequate motivation for the changes in the disclosure of the references said by the Examiner needed to eventuate in such claims Further, Applicant asserts that the Examiner has wholly failed in his Office Action to apply the factors for determining obviousness as set forth in *Graham v. John Deere Co.*, 148 U.S.P.Q. 459.

The only recitation Applicant can find pertaining to Java Serving Pages (JSP) or applets (which the Examiner above equates as an alternative of Macromedia Flash and other Macromedia Products) in U.S. Patent Publication No. 2002/0019808 A1 to Sharma is the discussion set forth at [0046] pertaining to one preferred embodiment:

> "System embodiment 10 shown in FIG. 1 is implemented on a Sun platform using an Oracle database with other programs that allow connectivity via any desired network or transport infrastructure, preferably the Internet, to a portal interface in spaces 20 via an Extensible Markup Language or other standard markup or other common data interchange model or language. Portal interfaces 15 may be implemented in Hypertext Markup Language or as otherwise desired to operate on browsers, whether or not applet enabled, or as otherwise desired."

Applicant notes [0038] of Applicant's present specification wherein it is stated that:

> "[t]hose of ordinary skill in the art will appreciate that the Web's request and response model is inherently ill-suited for real-time data updating because hypertext markup language ("HTML") pages have to reload in full every time a browser checks for new data on a server. To overcome

this inherent disadvantage, the inventors make use of Flash MX, an
Internet content and applications development tool by Macromedia
...[0039] [which] facilitates the presentation of information ... through
extraction, transforming and loading (ETL) techniques."

Applicant asserts that the Sharma reference in the above recitation actually
teaches away from the use of Macromedia Flash and other similar Macromedia products in
reciting the use of HTML to implement the portal. Replacement of the word "applet" in the
only recitation of Sharma with respect to such self-contained mini-executable program, by the
words "Macromedia Flash" or "other Macromedia product lines," respectfully simply does not
lead the Examiner to where, by hindsight reasoning, he desires to go.

In short, Sharma does not only fail to make obvious claims 4 and 11, it actually
teaches away from the subject matter of the claims.

CONCLUSION TO REMARKS

Applicants assert that this response is fully responsive to the Examiner's Office Action
dated June 1, 2006. Applicant asserts that with this response, the case is fully ready for
allowance. Applicants respectfully seek early allowance of the pending claims.

Respectfully Submitted,
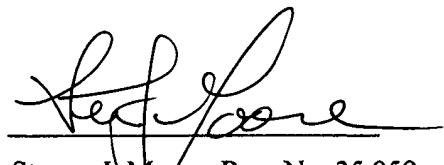
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VI. APPENDIX

NONE